

RUSSELLVILLE POLICE DEPARTMENT	GENERAL ORDERS
SUBJECT: Audio / Video Recording	NUMBER: 2-39
EFFECTIVE DATE: March 21, 2005	REVIEWED: September 4, 2013
AMENDS/SUPERSEDES:	APPROVED: <i>Victor Shifflett</i> Chief of Police

I. POLICY

The routine use of the TASER Flex on-officer camera system allows for the capturing of officer view video for both prosecutorial and administrative purposes.

II. PURPOSE

To establish uniform procedures in the use of and disposition of the TASER Flex system and video obtained.

III. PROCEDURES

- A. Officers shall record all legitimate law enforcement situations including but not limited to pedestrian and vehicle stops, consensual encounters, calls for service, and on-view events.
- B. Once audio/video recording begins, officers should record the incident until it has been resolved by the issuance of a traffic ticket, arrest made, etc. or the officer leaves the scene. All officers at an incident shall have the TASER Flex system in operation while on scene.
- C. The TASER Flex system shall be in working order, fully charged, and on the officer's person upon start of shift. A system malfunction shall be reported to immediate supervisor and TASER Flex system coordinator as soon as practical.
- D. Consent of suspects to be audio/video recorded is not necessary. Under Kentucky law you have a right to audio or video record anything you see or do, as long as you have a legal right to be where you are, therefore, you are recording the incident by the concept of "one-party consent". Also the United States Supreme Court recently affirmed the use of videotaped evidence of a suspect's conduct and their non-testimonial information does not fall within the scope of the fifth amendment's privilege against compelled self incrimination, therefore, officers operating this equipment are not required to discontinue recording a situation for anyone other than the officer in control of the camera, or a supervisor. If a suspect asks if audio/video recording is being made, they should be informed that the equipment is in use.
- E. TASER Flex media may be reviewed by appropriate department personnel for training purposes. The Chief of Police or his/her designee may review any audio/video recording for the purposes of ensuring compliance with policy, in response to a complaint filed internally or externally, or for periodic review of officer conduct.
- F. To respect the dignity of others, officers will try to avoid recording persons who are nude, or when sensitive human areas are exposed.
- G. Officers shall not intentionally record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
- H. Officers shall not use the TASER Flex system to record personal activity.
- I. Officers shall not record in places where a reasonable expectation of privacy exists, such as restrooms dressing rooms.
- J. Officers shall not record confidential informants or under cover officers.

IV. MEDIA USAGE AND STORAGE

- A. Each officer is responsible for uploading his/her TASER Flex camera to Evidence.com or in-house media storage if so utilized.
- B. Officers should upload the TASER Flex to Evidence.com or in-house storage medium (if applicable) at the end of every shift if possible. The department shall maintain video in storage for a minimum period of 90 days unless the evidence custodian is notified that there is reason to keep a video longer.
- C. At all times, and especially when the TASER Flex system is not in use, officers are responsible for the safety and security of said system at all times.
- D. All media and recordings are and shall remain the property of the Russellville Police Department.
- E. The use of any media for the purpose of recording or viewing other than department issue is strictly prohibited.

V. USE OF RECORDINGS AND DUPLICATIONS

- A. Unusual or exceptional incidents related to law enforcement activities generate the interest of many. However, members of this department shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of any recording prior to the related incident being adjudicated in court. If allowed, this practice could very well constitute pre-trial publicity, inhibiting normal court proceedings.
- B. Periodically, officer worn camera systems will record events which are useful for training purposes. Therefore, when these cameras record unusual, exceptional, or felony instances, and the incidents recorded are perceived to be of value as a training aid, the media shall be retained for training purposes by the department.
- C. It is the policy of the department in its efforts to cooperate with other law enforcement agencies with legitimate needs, to provide copies of evidentiary recordings on request. As a routine policy such requests are subject to the following guidelines:
 - 1) Request for copies are in writing on official department letterhead stationary of the requesting agency.
 - 2) Requests are signed by the Chief Administrative official.
 - 3) The recording in question is not the current subject of judicial review.
- D. It is the policy of the department, in its efforts to cooperate with those in the private sector with legitimate needs, to provide copies of evidentiary recordings on request. Such requests are subject to the following guidelines:
 - 1) Requests for copies are to be submitted in writing, directed to the Chief of Police.
 - 2) Requests are accompanied by a check or money order in the amount of \$25.00. Made payable to Russellville Police Department.
 - 3) The recording in question is not the current subject of judicial review.
- E. All duplicated recordings shall be labeled bearing the legend RUSSELLVILLE POLICE DEPARTMENT, and the following text:

“This duplicate recording is furnished to the requesting entities for the express use of the requestor and further duplication without the express written consent of the Chief of Police is prohibited.”